

3731
PATENT IFW



Atty. Docket No.1273CIPCONFWCCON3
(203-589CIPCONFWCCONIII)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): David A. Nicholas et al. EXAMINER: Sarah K. Webb

SERIAL NO.: 10/037,977 GROUP: Art Unit 3731

FILED: November 9, 2001 DATED: January 3, 2006

FOR: **ARTICULATING ENDOSCOPIC SURGICAL APPARATUS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO/SB/08A is brought to the attention of the Examiner. Copies of the foreign references are attached hereto.

The following non-English foreign references were cited for the following reasons:

French publication no. 2681775 was cited to illustrate an endoscopic instrument having an articulatable tool assembly. See FIG. 6.

French publication no. 2,542,188 was cited to illustrate a surgical stapling device including a cartridge 19 and an anvil 20. See FIG. 1.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 3, 2006.

Dated: January 3, 2006

Christopher G. Trainor
Christopher G. Trainor

German publication no. 4,213,426 was cited to show an endoscopic surgical instrument including a remotely controlled tool assembly.

German publication no. 4,300,307 was cited to show an endoscopic instrument having an articulating remotely controlled tool assembly.

European publication no. 0369324 was cited to show an endoscopic surgical instrument having a pair of remotely controlled jaws. See FIG. 1.

USSR publication nos. 659146 and 728848 were cited to illustrate surgical stapling devices having a cartridge assembly and an anvil assembly.

USSR publication nos. 980703 and 990220 were cited to show endoscopic devices having an articulating remotely controlled tool member.

German publication nos. 33 03 335A1, 87 11 051.2, 93 00 161.4, 90 07 356.8 and 91 09 097.0 are cited to show endoscopic instruments having a distally located tool assembly which can be actuated from a proximal end of the instrument. The tool assembly disclosed in the 93 00 161.4 publication appears to be capable of articulation.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in

37 C.F.R. §1.56(b). To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.

- [X] Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or §1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550. Also, in the event any extensions of time for responding and/or a petition under 37 C.F.R. §1.17(i)(i) are required for the pending application(s), please treat this paper as a petition to extend the time and/or enter this Information Disclosure Statement as required and charge Deposit Account No. 21-0550 therefor. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

The claims of this application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of this application is respectfully requested.

Respectfully submitted,

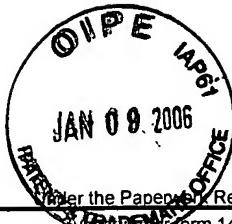
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S-1449A-100 Form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1

of 9

Complete if Known

Application Number	10/037,977
Filing Date	November 9, 2001
First Named Inventor	David A. Nicholas
Art Unit	3731
Examiner Name	Sarah K. Webb
Attorney Docket Number	1273 CIPCONFCCONIII (203-589)

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (# known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-6,877,647	04/12/2005	Green et al.	
		US-6,698,643	03/02/2004	Whitman	
		US-6,619,529	09/16/2003	Green et al.	
		US-6,436,097	08/20/2002	Nardella	
		US-6,250,532	06/26/2001	Green et al.	
		US-5,922,001	07/13/1999	Yoon	
		US-5,918,791	07/06/1999	Sorrentino et al.	
		US-5,871,135	02/16/1999	Williamson IV et al.	
		US-5,862,972	01/26/1999	Green et al.	
		US-5,829,662	11/03/1998	Allen et al.	
		US-5,817,109	10/06/1998	McGarry et al.	
		US-5,797,536	08/25/1998	Smith et al.	
		US-5,782,834	07/21/1998	Lucey et al.	
		US-5,749,893	05/12/1998	Vidal et al.	
		US-5,728,110	03/17/1998	Vidal et al.	
		US-5,711,472	01/27/1998	Bryan	
		US-5,690,269	11/25/1997	Bolanos et al.	
		US-5,667,517	09/16/1997	Hooven	

FOREIGN PATENT DOCUMENTS

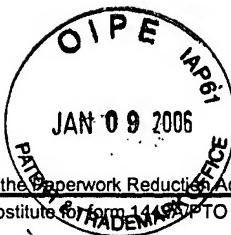
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (# known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		France 2681775	10/1991			
		France 2542188	9/1984			
		Germany 4213426	10/1992			
		Germany 4300307	7/1994			
		EPO 0369324	5/1990			

Examiner Signature	Date Considered
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 2

of 9

Complete if Known

Application Number	10/037,977
Filing Date	November 9, 2001
First Named Inventor	David A. Nicholas
Art Unit	3731
Examiner Name	Sarah K. Webb

Attorney Docket Number 1273 CIPCONFCCONIII (203-589)

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		US-5,662,662	09/02/1997	Bishop et al.	
		US-5,658,300	08/19/1997	Bito et al.	
		US-5,647,526	07/15/1997	Green et al.	
		US-5,645,209	07/08/1997	Green et al.	
		US-5,636,780	06/10/1997	Green et al.	
		US-5,630,541	05/20/1997	Williamson, IV et al.	
		US-5,626,587	05/06/1997	Bishop et al.	
		US-5,618,291	04/08/1997	Thompson et al.	
		US-5,607,095	03/04/1997	Smith et al.	
		US-5,601,224	02/11/1997	Bishop et al.	
		US-5,597,107	01/28/1997	Knodel et al.	
		US-5,588,581	12/31/1996	Conlon et al.	
		US-5,588,580	12/31/1996	Paul et al.	
		US-5,584,425	12/17/1996	Savage et al.	
		US-5,577,654	11/26/1996	Bishop	
		US-5,573,543	11/12/1996	Akopov et al.	
		US-5,554,169	09/10/1996	Green et al.	
		US-5,540,375	07/30/1996	Bolanos et al.	

FOREIGN PATENT DOCUMENTS

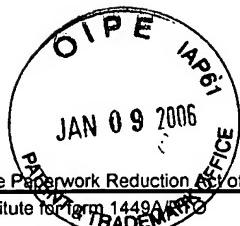
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		USSR 659146	4/1979			
		USSR 728848	5/1977			
		Russian Federation 980703	12/1982			
		Russian Federation 990220	1/1983			
		EPO 0552423	7/1993			

Examiner Signature	Date Considered
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 3

of 9

Complete if Known

Application Number	10/037,977
Filing Date	November 9, 2001
First Named Inventor	David A. Nicholas
Art Unit	3731
Examiner Name	Sarah K. Webb
Attorney Docket Number	1273 CIPCONFCCONIII (203-589)

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		US-5,518,164	05/21/1996	Hooven	
		US-5,518,163	05/21/1996	Hooven	
		US-5,505,363	04/09/1996	Green et al.	
		US-5,497,933	03/12/1996	DeFonzo et al.	
		US-5,485,952	01/23/1996	Fontayne	
		US-5,485,947	01/23/1996	Olson et al.	
		US-5,484,451	01/16/1996	Akopov et al.	
		US-5,484,095	01/16/1996	Green et al.	
		US-5,482,197	01/09/1996	Green et al.	
		US-5,478,003	12/26/1995	Green et al.	
		US-5,476,206	12/19/1995	Green et al.	
		US-5,472,132	12/05/1995	Savage et al.	
		US-5,470,010	11/28/1995	Rothfuss et al.	
		US-5,467,911	11/21/1995	Tsuruta et al.	
		US-5,464,300	11/07/1995	Crainich	
		US-5,456,401	10/10/1995	Green et al.	
		US-5,447,265	09/05/1995	Vidal et al.	
		US-5,433,721	07/18/1995	Hooven et al.	

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		EPO 0598579	5/1994			
		EPO 0621006	10/1994			
		United Kingdom 2048685	12/1980			
		United Kingdom 2165559	4/1986			
		United Kingdom 1452185	10/1976			

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STATEMENT BY APPLICANT**

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Sheet 4

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Art Unit	3731
Examiner Name	Sarah K. Webb

Attorney Docket Number 1273 CIPCONFCCONIII (203-589)

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		US-5,431,323	07/11/1995	Smith et al.	
		US-5,431,322	07/11/1995	Green et al.	
		US-5,425,745	06/20/1995	Green et al.	
		US-5,423,471	06/13/1995	Mastri et al.	
		US-5,417,361	05/23/1995	Williamson, IV	
		US-5,415,334	05/16/1995	Williamson, IV et al.	
		US-5,413,268	05/09/1995	Green et al.	
		US-5,407,293	4/18/1995	Crainich	
		US-5,397,324	03/14/1995	Carroll et al.	
		US-5,397,046	03/14/1995	Savage et al.	
		US-5,395,034	03/07/1995	Allen et al.	
		US-5,395,033	03/07/1995	Byrne et al.	
		US-5,383,880	01/24/1995	Hooven	
		US-5,382,255	01/17/1995	Castro et al.	
		US-5,381,943	01/17/1995	Allen et al.	
		US-5,376,095	12/27/1994	Ortiz	
		US-5,364,003	11/15/1994	Williamson, IV	
		US-5,364,002	11/15/1994	Green et al.	

FOREIGN PATENT DOCUMENTS

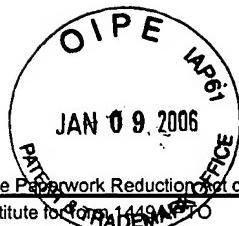
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		WIPO 9308754	5/1993			
		WIPO 9314706	8/1993			
		EPO 0589306	3/1994			
		EPO 0136950	4/1985			
		EPO 0220029	4/1987			

Examiner Signature	Date Considered
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Application Number	10/037,977
Filing Date	November 9, 2001
First Named Inventor	David A. Nicholas
Art Unit	3731
Examiner Name	Sarah K. Webb

Sheet 5 of 9 Attorney Docket Number 1273 CIPCONFCCONIII (203-589)

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		US-5,336,232	08/09/1994	Green et al.	
		US-5,332,142	07/26/1994	Robinson et al.	
		US-5,328,077	07/12/1994	Lori	
		US-5,326,013	07/05/1994	Green et al.	
		US-5,318,221	06/07/1994	Green et al.	
		US-5,312,023	05/17/1994	Green et al.	
		US-5,307,976	05/03/1994	Olson et al.	
		US-5,282,807	02/01/1994	Knoepfler	
		US-5,246,156	09/21/1993	Rothfuss et al.	
		US-5,209,747	5/11/1993	Knoepfler	
		US-5,170,925	12/15/1992	Madden et al.	
		US-5,171,247	12/15/1992	Hughett et al.	
		US-5,173,133	12/22/1992	Morin et al.	
		US-5,152,279		Wilk	
		US-5,141,144	08/25/1992	Foslien et al.	
		US-5,129,570	07/14/1992	Schulze et al.	
		US-5,111,987	05/12/1992	Moeinzadeh et al.	

FOREIGN PATENT DOCUMENTS

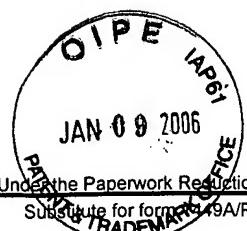
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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		EPO 0591946				
		EPO 0592243				
		EPO 0621009				
		EPO 0656188				
		EPO 0213817				

Examiner Signature	Date Considered
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Sheet 6

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Attorney Docket Number	1273 CIPCONFCCONIII (203-589)

U.S.PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (<i>if known</i>)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-5,084,057	01/28/1992	Green et al.	
		US-5,083,695	01/28/1992	Foslien et al.	
		US-5,074,454	12/24/1991	Peters	
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		US-5,065,929	11/19/1991	Schulze et al.	
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		US-4,633,874	01/06/1987	Chow et al.	

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Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (<i>if known</i>)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		EPO 0273468				
		EPO 0324638				
		EPO 0373762				
		EPO 0380025				
		EPO 0449394				

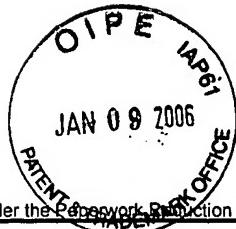
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Substitute for form 1449A/PTO

Complete If Known

Application Number	10/037,977
Filing Date	November 9, 2001
First Named Inventor	David A. Nicholas
Art Unit	3731
Examiner Name	Sarah K. Webb

Sheet 7 of 9 Attorney Docket Number 1273 CIPCONFCCONIII (203-589)

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-4,633,861	01/06/1987	Chow et al.	
		US-4,610,383	09/09/1986	Rothfuss et al.	
		US-4,608,981	09/02/1986	Rothfuss et al.	
		US-4,602,634	07/29/1986	Barkley	
		US-4,589,413	05/20/1986	Malyshev et al.	
		US-4,505,414	03/19/1995	Filipi	
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		US-4,027,510	6/07/1977	Hiltebrandt	
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		US-Re38,708	03/0120/05	Bolanos, et al.	
		US-			
		US-			

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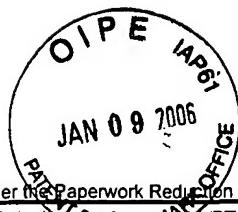
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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		EPO 0484677	5/1992			
		EPO 0489436	6/1992			
		EPO 0503662	9/1992			
		EPO 0514139	11/1992			
		EPO 0537572	4/1993			

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Complete if Known

Application Number	10/037,977
Filing Date	November 9, 2001
First Named Inventor	David A. Nicholas
Art Unit	3731
Examiner Name	Sarah K. Webb

Sheet 8 of 9 Attorney Docket Number 1273 CIPCONFCCONIII (203-589)

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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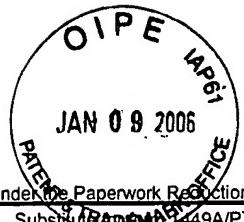
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
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		WIPO WO9210976	7/1992	WIPO		
		WIPO WO8302247	7/1993	WIPO		
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		EPO 0156774	10/1985	EPO		
		EPO 0216532	4/1987	EPO		
		EPO 0536903	4/1993	EPO		

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Approved for use through 07/31/2008. GMB 0051-0051
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 9

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Application Number	10/037,977
Filing Date	November 9, 2001
First Named Inventor	David A. Nicholas
Art Unit	3731
Examiner Name	Sarah K. Webb
Attorney Docket Number	1273 CIPCONFWCCONIII (203-589)

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